

IN ARBITRATION UNDER THE COMMERCIAL ARBITRATION  
RULES OF THE  
AMERICAN ARBITRATION ASSOCIATION

Case No. 01-17-0005-3636

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State of New York,

Claimant,

v.

Seneca Nation of Indians,

Respondent.  
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TRANSCRIPT OF PROCEEDINGS

New York, New York

December 13, 2018

BEFORE: JUDGE WILLIAM BASSLER

HENRY GUTMAN, ESQ.

KEVIN N. WASHBURN, ESQ.

Reported by: BONNIE PRUSZYNSKI, RMR, RPR, CLR  
JOB NO. 152545

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December 13, 2018  
10:30 A.M.

Transcript of Arbitration  
Proceedings held at the offices of AAA, 150 East  
42nd Street, New York, New York, before Bonnie  
Pruszyński, a Registered Professional Reporter,  
Registered Merit Reporter, Certified Livenote  
Reporter, and Notary Public of the State of New  
York.

A P P E A R A N C E S:

WHITE & CASE

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BY: John Horn, ESQ.

and

KANJI & KATZEN

303 Detroit Street

Ann Arbor, MI 48104

BY: Riyaz Kanji, Esq.

David Giampetroni, Esq.

Lucy Braun, Esq.

and

LIPPES, MATHIAS, WEXLER, FRIEDMAN

50 Fountain Plaza

Buffalo, New York 14202

BY: Carol Heckman, Esq.

Also Present:

For Claimant: Felipe E. Munoz

Lauri Kai

Robert Williams

For Respondent: Michele Mitchell

1 Closing Argument by Mr. Kanji

2 Don't give me all that stuff.

3 MR. KANJI: No. My point, your  
4 Honor, to agree with what you said about  
5 there is an ongoing relationship, and it  
6 is important to -- for that relationship  
7 is in the interests of both sides. We  
8 have a keen interest in it. There will  
9 ultimately have to be negotiations  
10 between the parties. We have a compact  
11 that is going to expire in five years at  
12 this point. What this panel's decision  
13 will do will be to set the ground rules  
14 on which those next negotiations will  
15 take place.

16 CHAIRPERSON BASSLER: You know,  
17 we -- that to me is utter bafflement,  
18 because we he have a contract here that  
19 is dysfunctional. We have to make a  
20 call. How we make that call, I don't see  
21 how that sets any ground rules. You are  
22 going to have to draft a contract that  
23 works.

24 This thing doesn't. You left a lot  
25 of stuff to be desired. Let's put it

1 Closing Argument by Mr. Kanji  
2 that way.

3 So, I don't see how we set any  
4 ground rules. It's going to be an ad hoc  
5 decision. What does renewal mean? Are  
6 we going to pay 25 percent or don't pay  
7 25 percent, or pay something less than  
8 25 percent?

9 You certainly aren't going to be  
10 able to use this contract as a model  
11 contract. You guys are going to have to  
12 do something else.

13 MR. KANJI: I think the parties  
14 will hopefully and surely, and this is  
15 not my bailiwick -- we will surely strive  
16 for greater clarity, but I think whether  
17 the words they put down, whether they can  
18 rely on those words being honored will be  
19 an important predicate to --

20 CHAIRPERSON BASSLER: It's not a  
21 question of words being honored. You  
22 keep saying that there's words being  
23 honored. It's a question of using the  
24 right words to reflect what the parties  
25 intended.